

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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**IN RE YASMIN AND YAZ (DROSPIRENONE)  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION**

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)  
) **3:09-md-02100-DRH-PMF**  
)  
) **MDL No. 2100**  
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**This Document Relates to:**

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<i>Bateman v. Bayer Corp., et al.</i>	Case No. 3:10-cv-10042
<i>Bremme v. Bayer Corp., et al.</i>	Case No. 3:10-cv-10040
<i>Brosch v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10151
<i>Cottman v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10172
<i>Driver v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10035
<i>Holben v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10073
<i>Johnson v. Bayer HealthCare Pharms., Inc., et al.</i>	Case No. 3:10-cv-20006
<i>Losse v. Bayer Corp., et al.</i>	Case No. 3:10-cv-10025
<i>McGarry v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10161
<i>Mendicino v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10198
<i>Merrell v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10112
<i>Minardo v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10184
<i>Panas v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10228
<i>Reidenbaker v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10069
<i>Richerson v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10121

<i>Rodriguez v. Bayer Corp., et al.</i>	Case No. 3:10-cv-10015
<i>Sams v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10067
<i>Shaffer v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10168
<i>Suydam v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10141
<i>Taylor v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10065
<i>Tettamanti v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10186
<i>Zuhr v. Bayer Corp., et al.</i>	Case No. 3:09-cv-10102

### **ORDER**

On March 8, 2010, the Bayer Defendants filed motions to dismiss for lack of subject matter jurisdiction in each of the above listed cases (total of 22 member actions). The basis for the motions was that, in each case, there existed one or more non-diverse defendants. As is explained below, the jurisdictional issue pertaining to these member actions has been resolved in all but two cases:

The Plaintiffs in 19 of the 22 member actions have dismissed the non-diverse defendant or non-diverse defendants and have filed amended complaints reflecting this revision. Thus, pursuant to the operative amended complaints, diversity jurisdiction now exists in the following member actions.

1. 3:10-cv-10025
2. 3:09-cv-10069
3. 3:09-cv-10121
4. 3:10-cv-10015
5. 3:09-cv-10168
6. 3:10-cv-10042
7. 3:09-cv-10035
8. 3:09-cv-10067
9. 3:09-cv-10168
10. 3:09-cv-10065

11. 3:10-cv-20006
12. 3:10-cv-10040
13. 3:09-cv-10151
14. 3:09-cv-10172
15. 3:09-cv-10073
16. 3:09-cv-10161
17. 3:09-cv-10198
18. 3:09-cv-10184
19. 3:09-cv-10141

As to member action **3:09-cv-10228** Plaintiff filed a motion for voluntary dismissal and the case has been closed.

As to the remaining two member actions, each Plaintiff shares citizenship with at least one defendant. In member action **3:09-cv-10112**, the Plaintiff and Defendant Bayer Healthcare LLC are both citizens of Indiana. In member action **3:09-cv-10102**, the Plaintiff and Defendant Bayer Healthcare Pharmaceuticals Inc. are both citizens of Delaware. Because the Plaintiffs in these member actions share citizenship with a named Defendant, this Court lacks diversity jurisdiction and Plaintiffs' actions must be dismissed.

Accordingly, the Court **ORDERS** as follows:

The Bayer Defendants motions for dismissal in the following member actions are **denied** as **moot**:

- 3:10-cv-10025
- 3:09-cv-10069
- 3:09-cv-10121
- 3:10-cv-10015
- 3:09-cv-10168
- 3:10-cv-10042
- 3:09-cv-10035
- 3:09-cv-10067
- 3:09-cv-10168

3:09-cv-10065  
3:10-cv-20006  
3:10-cv-10040  
3:09-cv-10151  
3:09-cv-10172  
3:09-cv-10073  
3:09-cv-10161  
3:09-cv-10198  
3:09-cv-10184  
3:09-cv-10141  
3:09-cv-10228 (voluntarily dismissed)

The Bayer Defendants motions to dismiss for lack of subject matter jurisdiction in member actions **3:09-cv-10102** and **3:09-cv-10112** are **granted**.

**SO ORDERED:**

/s/ David R. Herndon

Chief Judge  
United States District Court

DATE: June 25, 2010